	Application No.	Applicant(s)	
Notice of Allowability	09/937,714	SPRINGER ET AL.	
	Examiner	Art Unit	
	Faylor Victor Oh	1625	
The MAILING DATE of this communication appear claims being allowable, PROSECUTION ON THE MERITS IS (Corewith (or previously mailed), a Notice of Allowance (PTOL-85) of Control of ALLOWABILITY IS NOT A GRANT OF PATENT RIGHT the Office or upon petition by the applicant. See 37 CFR 1.313 and the Office of Upon Patent Right (PTOL-85) of Control of Con	OR REMAINS) CLOSED in r other appropriate commu HTS. This application is s	this application. If not included nication will be mailed in due cour	se. THIS
This communication is responsive to <u>8/26/04</u> .			
The allowed claim(s) is/are 103-154, as renumbered in claim	<u>s 1-52</u> .		
The drawings filed on <u>01 October 2001</u> are accepted by the	Examiner.		
 Acknowledgment is made of a claim for foreign priority und a) All b) Some* c) None of the: Certified copies of the priority documents have be copies of the priority documents have be copies of the certified copies of the priority documents have be copied to the pri	peen received. Deen received in Applicatio	n No	from the
Applicant has THREE MONTHS FROM THE "MAILING DATE" of noted below. Failure to timely comply will result in ABANDONME THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		a reply complying with the require	ements
A SUBSTITUTE OATH OR DECLARATION must be submitt INFORMAL PATENT APPLICATION (PTO-152) which gives			CE OF
 CORRECTED DRAWINGS (as "replacement sheets") must (a) ☐ including changes required by the Notice of Draftsperso 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.8 each sheet. Replacement sheet(s) should be labeled as such in the DEPOSIT OF and/or INFORMATION about the deposi attached Examiner's comment regarding REQUIREMENT Formula (a) ☐ DEPOSIT OF and/or INFORMATION REQUIREMENT Formula (b) ☐ DEPOSIT OF and/or INFORMATION REQUIREMENT Formula (c) ☐ DEPOSIT OF AND/OR INFORMATION REQUIREMENT FOR INFORMULA (c) ☐ DEPOSIT OF AND/OR INFORMATION REQUIREMENT FOR INFORM	n's Patent Drawing Review Amendment / Comment or 4(c)) should be written on the header according to 37 CF t of BIOLOGICAL MATE	in the Office action of the drawings in the front (not the bac R 1.121(d). ERIAL must be submitted. Note	
tachment(s) ☐ Notice of References Cited (PTO-892) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No./Mail Date	6. ☐ Interview St Paper No./ 7. ☐ Examiner's 8. ☑ Examiner's 9. ☐ Other	formal Patent Application (PTO-15 Jummary (PTO-413), Mail Date Amendment/Comment Statement of Reasons for Allowan Cecilia J. Tsang Jervisory Patent Examiner Technology Center 1600	

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The amendment after the final rejection is going to be entered and the application is now in a condition for allowance.

The Status of Claims:

Claims 103-154 are pending.

Claims 1-102 and 155-157 have been canceled.

Claims 103-154 have been allowed.

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance:

The close references for the current invention are Springer et al (WO94/25429) and Cozzi et al (WO97/03957).

Springer et al discloses a 3-fluorobenzamide of the formula (A):

$$M \xrightarrow{3} \begin{array}{c} F \\ 2 \\ -CONH-R \end{array}$$

wherein R-NH is the residue of an α-amino acid R-NH₂ or oligopeptide R-NH₂, and M is a nitrogen mustard group of the formula

wherein Y and L, which may be the same or different in a molecule, are leaving groups; and pharmaceutically acceptable salts thereof. The F group may be at the 2- or 3-position relative to the —CONH-R group.

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Cozzi et al teaches 3-methyl-4-N,N-bis(2-chloroethyl)aminobenzylic acid which

can be used in a treatment to ameliorate a cancer.

However, the instant invention differs from the prior art in that none of them

disclose the claimed compounds. In addition, unless all limitations of the claims are met,

there is no prior art rejection. See In re Zurko 59 USPQ 2d 1690 (Fed Cir. 1991) and In re

Lee, 61 USPQ 1430 (Fed Cir. 1991).

Therefore, the claimed invention would not have been obvious to the person with

an ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Any inquiry concerning the communication after allowance such as sending all

post-allowance correspondence should be directed to "Box Issue Fee" or faxed directly

to PUBS at 703-305-8755. This will expedite the process of these papers.

Cecilia J. Tsang

Supervisory Patent Examiner

Technology Center 1600

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. V. O. 9/10/14